

September 21, 2015

**Via Electronic Submission (<http://www.arb.ca.gov/lispub/comm/bclist.php>)**

Clerk of the Board  
Air Resources Board  
1001 I Street  
Sacramento, California 95814

**Re: Notice of Public Hearing to Consider Technical Status and Proposed Revisions to On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) (“Proposed Regulation”)**

**Hearing Date: September 25, 2015; Agenda Item 15-7-8**

The Truck and Engine Manufacturers Association (“EMA”) is the national organization representing worldwide manufacturers of medium- and heavy-duty vehicles and engines which are the subject of the Proposed Regulation. EMA and its members have worked closely with the Air Resources Board (“ARB”) Staff throughout the development of previous iterations of the On-Board Diagnostic requirements for both medium- and heavy-duty vehicles, and we continue to have a substantial interest in all aspects of On-Board Diagnostic requirements.

EMA supports the comments and recommendations of the Alliance of Automobile Manufacturers submitted to ARB on the Proposed Regulation. EMA also offers the following comments focused on the timeline for phase-in and application of certain requirements.

The proposed OBD II regulation provides specific timelines for phase-in of compliance or dates for applicability of certain provisions. Some of the timeline changes being proposed to the regulation will provide relief to chassis dynamometer-certified passenger cars (PC), light-duty trucks (LDT), and medium-duty passenger vehicles (MDPV), while excluding engine dynamometer-certified Medium-Duty vehicles (MDV) from similar relief. EMA supports providing implementation timing relief to PCs, LDTs, and MDPVs to address the challenges with feasibility, workload and cost associated with compliance with the requirements. ARB must provide the same implementation timing relief to MDVs, so they are not forced to meet the requirements at an earlier date.

The regulatory sections where EMA has identified implementation timing differences are as follows:

Section	Regulation	Applicability Chassis Dyno Certified PC/LDT/MDPV	Applicability Engine Dyno Certified MDV
(f)(3.3.3)(A)(i),	Partial Range Misfire applicability	New language :MY 2010-2021 Old Language : No phase-in specified	New language: no change Old language : MY2010-2018
(f)(3.3.3)(A)(ii)	Full Range Misfire Phase-in	New language : 20/50/100 phase-in from MY2022-2024 Old Language : no phase-in specified	New Language : no change Old language : 20/50/100 phase-in from MY2019-2021
(f)(4.2.5)(A)	Fuel System Monitoring : Use of equally failed injectors or Single injector failure to determine malfunction criteria for injection timing, quantity and pressure monitors	New language : MY2004-2018 Old language : none specified	New language: no change Old language : MY2004-2012
(f)(4.2.5)(B)	Fuel System Monitoring : Use of equally failed injectors ONLY to determine malfunction criteria for injection pressure monitors	New language : MY2019 and later Old language : none specified	New language : no change Old language : MY2013 and later
(f)(4.2.5)(B)	Fuel System Monitoring : Use of equally failed injectors AND single injector failure to determine malfunction criteria for injection timing and quantity monitors	New language : MY2019 and later Old language : none specified	New language : no change Old language : MY2013 and later
(f)(5.3.1)(A)	Exhaust Gas Sensor Monitoring: Separate tracking of IUPR but reporting as a single set of values for NOx and PM sensor monitoring capability monitors	New language : MY2019 and later Old language : none specified	New language : no change Old language : MY2016 and later
(f)(9.2.4)(B)	PM Filter Monitoring : monitoring catalyzed PM filter for feed gas generation capability	New language : MY2019 and later Old language : none specified	New language : no change Old language : MY2016 and later



Section	Regulation	Applicability Chassis Dyno Certified PC/LDT/MDPV	Applicability Engine Dyno Certified MDV
(d)(4.3.2)(G)(iv)	Denominator Specifications – Special Denominator provision expiration for Diesel PM filtering performance & missing substrate	New language : MY 2018 Old language : None specified	New language : MY2015(text relocated) Old language : MY2015

The differences in the applicability dates of the above provisions of the OBD II regulations provide unfair relief to some sections of the industry, which may result in financial and competitive inequity. To maintain a level playing-field, EMA recommends that the timelines and applicability dates being proposed for PCs, LDTs and MDPVs be made applicable across the board to MDVs as well.

Along with eliminating differences in implementation dates for different types of vehicles under the Proposed Regulation, ARB must provide sufficient leadtime and stability for implementation of all new requirements. As a general matter, ARB has an obligation under California law to adopt On-Board Diagnostics within reasonable time frames (Cal. Health & Safety Code, Section 43013). Furthermore, for all new vehicles over 6,000 lbs. GVWR, section 202(a) of the federal Clean Air Act specifically requires ARB to provide at least four model years' leadtime before application of new standards, and three years' period of stability between each new change or step-down in standards. ARB's On-Board Diagnostics requirements must be consistent with section 202(a) of the CAA in order for the U.S. EPA to waive federal preemption and allow California to enforce its own emission standards.

EMA has commented extensively on many proposed regulatory requirements for on-board diagnostic systems for light-, medium-, and heavy-duty engines and vehicles over the past several years. EMA supports the changes that we understand ARB Staff has proposed to make to address manufacturers' technological feasibility concerns with the light- and medium-duty OBD system requirements at issue in the Proposed Regulation, as those are directionally appropriate and necessary. Similar changes also will be necessary to address manufacturers' technological feasibility concerns with the heavy-duty engine OBD requirements. EMA urges ARB to direct the Staff to act expeditiously in proposing OBD rule changes that will be necessary to keep heavy-duty engines and vehicles – which, along with medium-duty engines and vehicles, play a significant role in the success of California's commerce – viable for the future.

Please do not hesitate to contact EMA if you have any questions or need further information on the foregoing.

Very truly yours,

  
Lisa A. Stegink